

Applicants respectfully request reconsideration and withdrawal of the rejections to the claims in view of the foregoing amendments and following remarks.

REMARKS

A. Status of the Claims and Explanation of the Amendments

Claims 1-54 are pending in this application. Claims 1-4, 7-9, 13-16, 19-21, 25-27, 30-31, 33-34, 37-42, 44-45, and 48-53 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 5,068,735 to Tuchiya et al. ("Tuchiya").

Claims 5, 17, 35, and 46 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Tuchiya, in view of U. S. Patent No. 4,699,487 to Kawamura et al. ("Kawamura"). Claims 6, 18, 28, 36, 47, and 54 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Tuchiya, in view of U.S. Patent No. 5,311,230 to Ogawa ("Ogawa"). Claims 10-12, 22-24, 32, and 43 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Tuchiya in view of U.S. Patent No. 5,867,217 to Okino ("Okino").

The Office Action also issued an obviousness-type double patenting rejection for claims 1, 13, 25, 29, 40, and 51.

Applicants' independent claims 1, 13, 25, 29, 40, and 51 have been amended to further clarify the invention. Specifically, claims 1, 13, and 25 now recite, *inter alia*, "preset position information and preset speed information; wherein said preset position information corresponds to a position to which an operator intends to move said optical member when operating said optical apparatus and said preset speed information corresponds to a speed with which the operator intends to move said optical member when operating said optical apparatus." Moreover, claims 29, 40, and 51 now recite, *inter alia*, "preset speed information and preset

direction information, wherein said preset speed information corresponds to a speed with which an operator intends to move said optical member when operating said optical apparatus, and said preset direction information corresponds to a direction in which the operator intends to move said optical member when operating said optical apparatus.” Support for these amendments is generally found throughout the specification. See, for example, page 18, line 6 to page 21, line 7, and page 46, line 20 to page 47, line 17. No new matter has been added by these amendments.

B. Applicants’ Claims are Not Anticipated by Tuchiya

Applicants respectfully traverse the rejection of claims 1-4, 7-9, 13-16, 19-21, 25-27, 30-31, 33-34, 37-42, 44-45, and 48-53 as being anticipated by Tuchiya. Briefly, Tuchiya fails to teach, disclose, or suggest all of Applicants’ claims. Because, not all of the claim elements are taught or suggested, the rejections should be withdrawn. MPEP § 2131.

1. Tuchiya Fails to Teach, Disclose, Or Suggest All of the Elements in Applicants’ Claims.

Tuchiya is directed to a system for controlling the aiming direction, focus, zooming, and/or position of a television camera. According to Tuchiya, the system has “servo-mechanisms for controlling the tilting, panning, and lifting of a panning head on which a television camera is mounted, and servo-mechanisms for controlling the focusing, zooming of the television camera.” [Tuchiya, abstract].

With respect to the position of the TV camera in Tuchiya’s apparatus, Tuchiya states that the system has “means 13 for setting a value of speed at which the direction, position, or focal distance of the TV camera is to be changed, a control means 14 for changing the

direction, position or focal distance of the TV camera at the value of speed set with the speed setting means 13" [Tuchiya, col. 2, lines 13-19].

Notably, Tuchiya does not appear to teach, disclose, or suggest a "memory means for memorizing preset position information...wherein said preset position information corresponds to a position to which an operator intends to move said optical member when operating said optical apparatus" (emphasis added) as recited in Applicants' independent claims 1, 13, and 25.

Instead, Tuchiya merely provides a RAM 30 containing a predetermined address into which an electrical signal is written. The electrical signal is generated when a user operates a control lever. [Tuchiya, col. 5, lines 4-16]. This electrical signal does not correspond to "preset position information [that] corresponds to a position" as recited in Applicants claims 1, 13, and 25, because the electrical signal only relates to an amount of motion [see col. 5, lines 51-53] and not to a "position." This interpretation of Tuchiya is further supported by considering other parts of Tuchiya's description. For example, Tuchiya states that "when the operator resets control lever 23 to the neutral position after the panning head 61 has effected a P or T motion up to the desired position, the panning heat [sic head] driving mechanism stops moving" [Tuchiya, col. 6, lines 1-4, (emphasis added)]. Tuchiya's reliance on an operator to stop the P or T motion suggests that Tuchiya does not have "memory means...for memorizing preset position information [that] corresponds to a position." It also suggests that Tuchiya does not have a "control means" that drives the optical member "to a position corresponding to [the] memorized preset position information" as recited in Applicants' claims 1, 13, and 25.

Similarly, Tuchiya does not appear to teach, disclose, or suggest the "preset speed information" recited in Applicants' claims 29, 40, and 51. Tuchiya merely states that "F, Z, P,

and T motions in each scene are written beforehand by operating these switches and for the reproduction of each shot, the values of these motions are fine-adjusted by manually operating the switches as necessary" (emphasis added) [Tuchiya, col. 4, lines 52-56]. Because the motions of Tuchiya's camera must be manually fine-adjusted to achieve the proper motion, the information that is written beforehand by operating Tuchiya's switches is not "preset speed information [that] corresponds to a speed with which an operator intends to move said optical member when operating said optical apparatus" as recited in Applicants' claims 29, 40, and 51, or the claims that depend therefrom.

Finally, Applicants do not see where Tuchiya teaches "preset direction information" as recited in Applicants claims 29, 40, and 51, as well as the claims that depend therefrom.

For at least these reasons, Tuchiya does not anticipate independent claims 1,13, 25, 29, 40, and 51, nor the claims that dependent therefrom. Reconsideration and withdrawal of the rejections of these claims under 35 U.S.C. §102 are respectfully requested.

C. The Combinations of References Fail to Teach, Disclose, or Suggest All of the Elements of Applicants' Claims

Applicants respectfully traverse the rejections of claims 5, 17, 35, and 46 under 35 U.S.C. §103(a) as being allegedly unpatentable over Tuchiya, in view of Kawamura. As noted above, Tuchiya fails to teach, disclose or suggest "preset position information" as recited in claims 5 and 17, as well as "preset speed information" or "preset direction information" as recited in claims 35 and 46. The Office Action does not allege that Kanamura alleviates these deficiencies of Tuchiya, and Applicants do not see where in Kanamura such claim elements are taught. Accordingly, because the combination of Tuchiya and Kanamura does not appear to

teach, disclose, or suggest all of the claim elements of claims 5, 17, 35, and 46, the rejection of these claims under 35 U.S.C. §103(a) as being unpatentable over these two references should be withdrawn. MPEP §2143.

Applicants also respectfully traverse the rejection of claims 6, 18, 28, 36, 47, and 54 under 35 U.S.C. §103(a) as being allegedly unpatentable over Tuchiya, in view of Ogawa. As noted above, Tuchiya fails to teach, disclose or suggest “preset position information” as recited in claims 6 and 8, as well as “preset speed information” or “preset direction information” as recited in claims 28, 36, 47, and 54. Ogawa does not alleviate these deficiencies of Tuchiya. Nowhere does Ogawa teach, disclose or suggest “preset position information” as recited in claims 6 and 8.

Moreover, while Ogawa discusses zoom speed settings [e.g., col. 4, lines 52-54], these settings do not correspond to “preset speed information” as recited in Applicants claims 28, 36, 47, and 54. This is because in Ogawa’s system, the zooming speed of a lens may be set at only three possible settings: low, medium, and high. In contrast, the “preset speed information” in Applicants invention may be “arbitrary”, as recited in Applicants’ claims.

Finally, Ogawa does not appear to teach, disclose, or suggest “preset direction information” as recited in Applicants’ claims.

In short, because the combination of Tuchiya and Ogawa does not appear to teach, disclose, or suggest all of the claim elements of claims 6, 18, 28, 36, 47, and 54, the rejection of these claims under 35 U.S.C. §103(a) as being unpatentable over these two references should be withdrawn. MPEP §2143.

Applicants additionally traverse the rejection of claims 10-12, 22-24, 32, and 43 under 35 U.S.C. §103(a) as allegedly being unpatentable over Tuchiya in view of Okino.

Tuchiya fails to fails to teach, disclose or suggest “preset position information” as recited in claims 10-12 and 22-24, as well as “preset speed information” or “preset direction information” as recited in claims 32 and 43. Okino does not alleviate the deficiencies of Tuchiya. Applicants have reviewed Okino and do not see where Okino teaches, discloses, or suggests “preset position information” as recited in claims 10-12 and 22-24. Applicants note that even though Okino’s EEPROM 17 “stores information associated with a position” [see Okino, col. 4, lines 62-63], the stored information is not “preset position information” as recited in Applicants’ claims. This is because Okino’s storage of the information is according to the object distance and position of the second lens group [Okino, col. 4, lines 64-65]. In contrast, the “preset position information” of Applicants’ claims is “information [that] corresponds to a position to which an operator intends to move said optical member.”

Moreover, while Okino states that a zooming speed of a zoom lens can be set to “a standard speed or a high speed” [col. 4, lines 61-62], such a disclosure does not amount to the “preset speed information” as recited in Applicants’ claims. As noted above, the “preset speed information” in Applicants invention may be “arbitrary”, as recited in Applicants’ claims. Applicants also maintain that Okino’s statement that “the zooming speed can be arbitrarily increased” [col. 7, lines 10-11] are distinguishable from the “preset speed information” of Applicants’ claims, because Okino increases zooming speed arbitrarily using an electronic zoom and not by moving “an optical member” as recited in Applicants’ claims.

Finally, Okino does not appear to teach, disclose, or suggest “preset direction information” as recited in Applicants’ claims.

In summary, because the combination of Tuchiya and Okino does not appear to teach, disclose, or suggest all of the claim elements of claims 10-12, 22-24, 32, and 43, the

rejection of these claims under 35 U.S.C. §103(a) as being unpatentable over these two references should be withdrawn. MPEP §2143.

D. Response to Double Patenting Rejection

Applicants respectfully traverse the double-patenting rejection set forth in the May 24, 2004 Office Action and maintain that the inventions defined by claims 1, 10, and 12 of U.S. Patent No. 6,704,503 are different from those defined by claims 1, 13, 25, 29, 40, and 51 of this application.

The optical device 100 disclosed in U.S. Patent No. 6,704,503 has, inter alia, a memory 18 for memorizing a preset information obtained through an external write device 27. Claims 1, 10, and 12 of U.S. Patent No. 6,704,503 accordingly recite an “information write device” or “external information write device”.

In contrast, the inventions recited in claims 1, 13, 25, 29, 40, and 51 of this application has means for memorizing preset position information, preset speed information, and preset direction information that are controlled by the operator through memory instructing operations when the optical apparatus is operated.

Because these inventions are distinct, Applicants believe that the double patenting rejection should be withdrawn. Reconsideration and withdrawal of the double-patenting rejection is respectfully requested.

CONCLUSION

Based on the foregoing amendments and remarks, Applicants respectfully request reconsideration and withdrawal of the rejection of claims and allowance of this application.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 13-4500, Order No. 0900-0010. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4500, Order No. 0900-0010. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

Respectfully submitted,
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